

1 Ramon Rossi Lopez - rlopez@lopezmchugh.com
2 (California Bar Number 86361; admitted *pro hac vice*)
3 Lopez McHugh LLP
4 100 Bayview Circle, Suite 5600
5 Newport Beach, California 92660
6 949-812-5771

7 Mark Stephen O'Connor (011029) – moconnor@beusgilbert.com
8 BEUS GILBERT, PLLC
9 701 N.44th St.
10 Phoenix AZ 85008
11 480-429-3019

12 *Counsel for Plaintiff*

13 UNITED STATES DISTRICT COURT

14 DISTRICT OF ARIZONA

15 In Re Bard IVC Filters Products
16 Liability Litigation

17 No. MD-15-02641-PHX-DGC

18 **PLAINTIFFS' MOTION TO SEAL JOINT
19 STIPULATION AND ORDER
20 REGARDING MOTION IN LIMINE**

21 In accordance with Section 25 of the Stipulated Protective Order [Doc. 269],
22 Federal Rule of Civil Procedure 26(c)(1)(G), and Local Civil Rule 5.6, Plaintiffs move
23 this Court for an Order sealing certain protected information contained in exhibits to
24 Plaintiffs' Response to Defendants' Trial Brief on Third Party Fault. The exhibits at issue
25 contain personal healthcare information regarding the Plaintiff that is protected under
26 HIPAA and confidential under the Stipulated Protective Order, warranting protection
27 from public disclosure, see Exhibit A.

28 Plaintiff's personal healthcare information is protected under the Privacy Rule of
the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 45 C.F.R. §
160, 164(A) & (E), as well as several state-law privileges. The knowing disclosure of such
information is prohibited by 42 U.S.C. § 1320d-6. This Court has already granted the

1 filing under seal of the same (or similar) information when the parties submitted their
2 respective bellwether submissions. [See Doc. 4366].
3

4 Accordingly, Plaintiffs request the Court order the Joint Stipulation on Plaintiffs'
5 Response to Defendants' Trial Brief on Third Party Fault and the corresponding Order be
6 sealed pending final determination of confidentiality.
7

8 RESPECTFULLY SUBMITTED this 25th day of April, 2019.
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10 By:/s/ Mark S. O'Connor
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12 Mark S. O'Connor
13 BEUS GILBERT, PLLC
14 701 N.44th St.
15 Phoenix AZ 85008
16 480-429-3019
17

18 LOPEZ McHUGH LLP
19 Ramon Rossi Lopez (CA Bar No. 86361)
20 (admitted *pro hac vice*)
21 100 Bayview Circle, Suite 5600
22 Newport Beach, California 92660
23

24 *Counsel for Plaintiff*
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of April 2019, I electronically transmitted the
attached document to the Clerk's Office using the CM/ECF System for filing and
transmittal of a Notice of Electronic Filing.

/s/ Jessica Gallentine
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Exhibit A

Exhibits to Plaintiffs' Response to Defendants' Trial Brief on Third Party Fault containing Plaintiff's personal healthcare information.

Ex. A, Trial Ex. 15298 at TINLIND_SMHMC_MDR00066-69; 00077-78; TINLIND SMHMC MDR00080

Ex. D, Trial Ex. 15210 at TINLIND ABMC MDR07248

Ex. E, Trial Ex.15201, at TINLIND ABMC MDR00533

Ex. F, Trial Ex. 15259 at TINLIND ASLMC MDR00761-63

Ex. G, Trial Ex.15233, Chest X-Ray Report, TINLIND_ABMC_RAD00059.